

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6615

BILL NUMBER: HB 1137

NOTE PREPARED: Dec 8, 2006

BILL AMENDED:

SUBJECT: Operating While Intoxicated and Causing Death.

FIRST AUTHOR: Rep. Herrell

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes operating a motor vehicle or motorboat while intoxicated and causing the death of another person a Class B felony instead of a Class C felony. It makes conforming amendments.

Effective Date: July 1, 2007.

Explanation of State Expenditures: The bill increases the penalty for causing death when operating a motor vehicle or motorboat while intoxicated.

State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. Depending on the aggravating and mitigating circumstance, a Class C felony is punishable by a prison term ranging from 2 to 8 years and a Class B felony is punishable by a prison term ranging from 6 to 20 years. More offenders could mean increased costs to the Department of Correction (DOC).

The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139. The average length of stay in DOC facilities for all Class C felony offenders is approximately 2 years and for all Class B felony offenders is approximately 3.7 years.

Background: The average annual commitments to state correctional facilities for the offenses included in the bill are presented in the table below.

Offense	Penalty Current Law	Proposed Penalty	Average Annual Commitments 2001 - 2005
Cause death when operating a motor vehicle while intoxicated	Class C felony	Class B felony	31
Cause death when operating a motor vehicle while intoxicated, prior conviction or suspended or revoked license	Class B felony	Class B felony	7
Cause death when operating a motorboat while intoxicated	Class C felony	Class B felony	N/A

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for Class C or B felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class C and B felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.